MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

September 17, 2013

INVOCATION:
James Taylor of Santa Maria Bahai Community Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER
Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, Senior Assistant City Attorney/Utilities Counsel Stockton, Director of Community Development Appel, City Librarian Housel, Deputy City Manager Lara, Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Administrative Services Visé, Director of Public Works/City Engineer Whitehead, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/PRESENTATIONS:

A. PRESENTATION – 2013 SANTA MARIA VALLEY BEAUTIFUL AWARDS
Santa Maria Valley Beautiful President Bob Engel gave a presentation detailing their background and recognizing their 2013 award recipients, and presented a PowerPoint presentation of the winning landscaped yards. Mayor Patino presented the award recipients with a certificate.

B. PROCLAMATION – CONSTITUTION WEEK
Councilmember Orach read a proclamation declaring the week of September 16-20, 2013, as "Constitution Week" in the City of Santa Maria and asked the residents to reaffirm the ideals that the Framers of the Constitution had in 1787. The proclamation was received by Tammy Wilkening.

C. PROCLAMATION – ACTIVE AGING WEEK
Councilmember Green read a proclamation declaring the week of September 22-28, 2013, as "Active Aging Week" in the City of Santa Maria and supporting the wellbeing of our senior population and future generations, and encouraged community members to remain active. The proclamation was received by Recreation and Parks Commissioner Grennan.

Recreation and Parks Commissioner Grennan presented the City Council and City Manager Haydon with a gift bag for "Active Aging Week."

D. PROCLAMATION – ALCOHOL AND DRUG ADDICTION RECOVERY MONTH
Councilmember Boysen read a proclamation declaring the month of September 2013 as "Alcohol and Drug Addiction Recovery Month" in the City of Santa Maria and encouraging all residents to unite with this year's National theme "Together on Pathways to Recovery" by supporting men, women, and youth who are in drug and alcohol addiction treatment and recovery, along with their families. The proclamation was received by Lisa Walker.

Councilmember Boysen introduced Mickey Walker from the Center for Change, Craig Hamlin from Coast Valley, Donna Flores from Good Samaritan Shelter, and Al Rodriguez from Fighting Back Santa Maria, who each serve the recovery community.

Councilmember Boysen announced a carnival for Recovery Day at Buena Vista Park to celebrate those in recovery or who support recovery.

E. VOLUNTEER OF THE MONTH
Patrick Munar was recognized as the Recreation and Parks Department's Volunteer of the Month for September 2013. Councilmember Zuniga presented a gift to Mr. Munar for his volunteer work as head coach for the Recreation and Parks Department's tee ball program for the past two years.

Mr. Munar thanked the Recreation and Parks Department for their support over the years.

2. PUBLIC COMMENT:
Raul Razo, representing La Hermandad Hank Lacayo Youth & Family Center, spoke about the Citizenship, ESL, and Mixteco classes they offer and how their programs are growing.

Councilmember Zuniga thanked Mr. Razo and the organization for the services they provide to the community.

Mark Radamaker spoke about his religious beliefs.

Ernest Armenta spoke about his opposition to the adoption of the ordinance banning Medical Marijuana Dispensaries. He also spoke about allegations regarding fraudulent use of overtime in the Police Department and claims that City Councilmembers and City Management were aware of policies that were not followed within the Police Department.

John Sabedra, representing American Veteran United, spoke about an event on September 20, 2013, to recognize POW-MIA Day. He encouraged people to talk to their representatives in Congress and ask them to bring POWs home. His organization will be at local stores distributing POW-MIA flags to the public to bring awareness to the matter.

Sandra Brown spoke in support of the Medical Marijuana Dispensaries ordinance. She stated that the State has made a law that is difficult to enforce and has opened the door for storefronts for criminal activity and illegal marijuana sales. The youth are getting ahold of the marijuana through illegal sale. She commented that youth in their early 20's were being authorized by doctors to use medical marijuana. Research shows that adolescents' brains still grow into their mid-20's. With continued marijuana use, issues with dependency, mental health problems, and depression become more and more prevalent.

Luis Santos, representing LULAC and a junior at Santa Maria High School, spoke about his opportunity to go to Washington, D.C., to speak with lawmakers about Latino youth and to provide input on issues important to Latinos who are underserved in their communities. The event brings 50 students from across the United States. He will be meeting with Civil Rights Leaders to advocate for Civil Rights Laws and against discrimination.

Esperanza Salazar, representing LULAC, spoke about Luis Santos and requested public support for him. She indicated that he was the only student from the Central Coast selected to go to Washington, D.C. They were very proud for his opportunity. She indicated that his expenses were paid for, with the exception of his plane ticket. Donations can be made through the LULAC website.

Ken Hough spoke about the Central Coast Green Team program meeting on September 23, 2013, at IHOP, and that Councilmember Boysen will be speaking about water issues in the Santa Maria Valley.

Councilmember Orach spoke on behalf of Pastor Carl Nielsen, who had to leave the meeting before he could speak, regarding the Serve Santa Maria event on September 21, 2013. People interested in participating should meet at the Abel Maldonado Center at 8:30 a.m. The event helps to improve the quality of life and properties in the City of Santa Maria.

CONSENT CALENDAR:
Councilmember Boysen asked to comment on Item 3E.

Item 3E – Medical Marijuana Dispensaries
Councilmember Boysen agreed with the comments of Sandra Brown. There were compassionate uses for marijuana, but the law virtually allows anyone get a medical marijuana card. Until the law is tightened up, the City should continue supporting a ban on medical marijuana dispensaries.

Mayor Patino commented about the effect drug or alcohol use had on the brains of adolescents. She also indicated that that State really needed to revisit the law.

Councilmember Orach commented about an incident at a dispensary on State Street in Santa Barbara, which was now closed because of illegal activity, where he witnessed a group of young individuals go into the dispensary who did not look like they were ill or had cancer. The City needs to protect its community from this type of business.

Consent Calendar Items 3A through 3E were approved as amended on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote: 5-0.

AYES:	Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of September 3, 2013, were approved as submitted.

C. WARRANTS
Warrant Nos. 181811 to 182082 totaling $2,175,326.05 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 177550, 181595, 181800, and 181810 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper department heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. MEDICAL MARIJUANA DISPENSARIES.
Ordinance No. 2013-10 was adopted establishing Chapter 54 of Title 12 of the Santa Maria Municipal Code, prohibiting medical marijuana dispensaries.

Ordinance 2013-10 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING TITLE 12, CHAPTER 54 TO THE SANTA MARIA MUNICIPAL CODE, PROHIBITING MEDICAL MARIJUANA DISPENSARIES.

4. DETAILED ACCOUNTING OF THE GENERAL CAPITAL PROJECTS FUND (FUND 801) AND THE IDENTIFICATION OF THE FUNDING SOURCES TO BE USED TO FINANCE THE TENANT IMPROVEMENTS AT THE NEW POLICE FACILITY. City Manager Haydon gave the report as detailed in the written Council Agenda Report. He explained that the General Capital Projects Fund (Fund 801) was used to account for the purchase and construction of General Fund-related capital assets. Appropriations from this fund were made annually. Projects not completed were carried forward until completed, and the primary financing source for this fund has historically come from General Fund proceeds when revenues have exceeded operational expenses at year-end.

In Fiscal Year 2013-14, the total projected expenditures in the General Capital Projects Fund exceeds $13.9 million, which includes encumbered capital projects from prior fiscal years and budgeted capital projects for 2013-14. The available resources to finance these capital projects are $12.9 million, leaving a financial gap of $1,022,333.

City Manager Haydon gave an overview of the Measure U2012 funds, and indicated that the City received more in revenue than anticipated, and some proceeds were not spent as expected due to vacancies and the time it took to hire the Measure U2012 positions. He reviewed the vacant positions and showed a graph illustrating salary savings due to vacancies which amounted to $450,000 in Measure U2012 funding. He also reviewed the budgeted Measure U2012 appropriations. The City received $2.6 in Measure U revenues in 2012-13, and anticipates expenditures to be at $1.9 million, which amounts to $673,000 in revenues over expenditures. Additional encumbrances were made in 2013-14 in the amount of $220,000, leaving $450,000 unencumbered.

City Manager Haydon then gave an overview of the Local Economic Augmentation Fund (LEAF) account indicating that the City began the last fiscal year with the idea that $2.5 million was going to be needed to balance the budget by fiscal year end; however, in closing out 2012-13, staff is not anticipating needing to use nearly that amount. There will be sufficient funding in the LEAF account to finance a portion of the cost overrun on the Police Facility Project.

It is staff's recommendation to use one-time LEAF proceeds of $822,676 and one-time Measure U2012 funds of $450,000 from 2012-13 to finance the cost overrun for the Police Facility Construction Project. The transfers would only be made if the resources were needed to complete the project. If the transfers are needed, the first distribution would come from the LEAF account. Should the LEAF funds not be sufficient, then the transfer from Measure U2012 funding would commence, but only the amount needed and not to exceed $450,000.

An alternative would be to use more LEAF proceeds and less Measure U2012 funding; however, using the Measure U2012 funds would be appropriate since the completion of the new Police Facility is the highest public safety priority. The use of more LEAF proceeds would limit staff's ability to utilize LEAF proceeds to help mitigate future General Fund budget deficits, and would necessitate Council going through further deliberations on alternative uses for these one-time Measure U2012 proceeds.

Another alternative would be for Council to direct staff to eliminate a number of previously approved General Capital Projects for 2013-14, or to direct staff to use a combination of one-time revenue sources and the elimination of certain slated capital projects for 2013-14.

Public Input

Joan Leon, representing Santa Maria Community Coalition, spoke about placing solar panels on the rooftops of the new police facility and the library buildings, and asked why consideration was not being given to this alternative energy source.

Ken Hough, representing SBCAN, supports Ms. Leon's recommendation for use of solar energy panels. He asked the Council to not rule out the use of solar panels for the cost savings benefit, but also because of greenhouse gas emissions. He indicated that it will take government support to make alternative energy work, and that he would like to see Santa Maria be a leader in this area.

Ernest Armenta suggested that instead of using the Measure U2012 funding, various capital projects be removed from the list that would total $450,000.

City Council Discussion

Councilmember Boysen indicated that he had the opportunity to meet with City Manager Haydon and Director of Administrative Services Visé. He had expressed concern about using Measure U2012 funding for this particular project. He indicated that has since been swayed. He would support staff's recommendation, but does not think the Measure U2012 funding would actually be needed. He stated that staff has done a good job overestimating expenses, and underestimating potential revenues.

City Manager Haydon gave an overview of some of the additional improvements that will enhance the operations of the new Police Department facility. He indicated that the project has an $800,000 contingency fund, and the Measure U2012 funding may not even be needed. He responded to Ms. Leon and Mr. Hough's comments regarding alternative energy options indicating that staff was looking into this option for some of the City's facilities.

Director of Public Works/City Engineer Whitehead responded that staff was currently reviewing a feasibility study for development of alternative energy systems to supplement the City's electrical requirements.

Councilmember Zuniga had questions regarding the development of alternative energy options, the Levee debt service, and the hiring of the remaining Police Department positions.

City Manager Haydon responded that the City borrowed funds from the Solid Waste Fund to pay the City's match portion to get the final portion of the Levee completed. Payments in the amount of $106,000 annually are to be paid to the Solid Waste Fund over the next eight years. He also responded that all of the Measure U2012 sworn police-related positions have been filled. There are other vacancies within the department and staff is working on continuous recruitments for those positions.

Police Chief Martin also responded that the City has five police trainees in the Hancock College Police Academy, and nine trainees from the Academy who are currently in the background checking process. By mid-December, he projects to graduate 14 new police officers. Oral interviews have been completed with 80, and from those interviews he projected that 15 to 20 new trainees will be put into the Academy in January 2014, and these would graduate in May 2014. The Department currently has 20 vacancies that are not Measure U2012-related. By October or November 2014, all the vacancies should be filled and police officers trained.

Councilmember Zuniga commented that she understood the use of Measure U2012 funding for the Police Facility Project, but was concerned because the proposed resolution did not reference that the funds would be utilized from the contingency fund before using LEAF and then Measure U2012 funding. She indicated that she would like the resolution to reference use of the LEAF funds first, followed by the contingency fund, and then lastly the Measure U2012 funds.

City Manager Haydon stated that the use of funding would be the following order: 1) LEAF funds; and 2) Measure U2012 funds. The contingency fund is part of the construction contract, and is part of the $13.5 million cost for the project. If it is necessary to use all of the contingency funds, then both the LEAF funding and Measure U2012 funds would be needed. If the contingency funds are not used, then no Measure U2012 funds would be required, but the LEAF funds would still need to be used.

Councilmember Zuniga asked if staff would know early on in the project whether or not it would be necessary to use the contingency funds.

City Manager Haydon responded that staff would know how much of contingency funds would be used toward the end of the project. He suggested that a future presentation could be made to the Council when the Notice of Completion was on the agenda to provide the total cost of the project and what funding sources were used.

Councilmember Zuniga indicated that she would support using Measure U2012 funding for the police facility so that other General Fund sources would not be affected which could inhibit the Council's ability or standing during labor negotiations.

Councilmembers Boysen and Green asked if staff would know fairly early in the construction process if the contingency funds would be needed.

Director of Public Works/City Engineer Whitehead cautioned the Council about making expectations about the construction project. Construction is an uncertain type of endeavor. The City has a difficult project ahead in converting a defense contract building into a police facility that would house 150 to 200 first responders and other staff members for a period of 30 years or more. This is a huge undertaking. The reason a contingency fund is a standard requirement in the City's public improvements contracts is because the plans and specifications that are developed for construction projects are never perfect or exactly representative of the work that is required to deliver a project. There are always change orders. The Public Works staff has had a successful track record of keeping costs down, but he did not want to make any promises about whether or not staff would be able to return contingency funds. Staff would not know until the project is underway and decisions being made, issue by issue, where there are discrepancies in the plans and specifications compared to the actual work that needs to be accomplished.

Councilmember Orach commented on the new regulations to build the Police Facility. He indicated that the building the City bought was top-notch, but building regulations for public safety facilities require the building to be reinforced and strengthened in the event of a major catastrophe. Measure U2012 is an appropriate use of one-time funds for the Police Facility since it is related to public safety. The current police facility cannot handle the hiring of many more staff persons since it is already to capacity.

Mayor Patino commented that it is appropriate to utilize the Measure U2012 funding for the Police Facility. She reminded that Measure U2012 is not only for public safety, but for City essential services, and the levee. The Police Facility was the City's highest priority. The City of Santa Barbara was building a police facility that was half the size of the City's and spending twice as much money. The new police facility is a very big step for public safety in Santa Maria.

Resolution No. 2013-86 was adopted authorizing the transfer of $822,676 in LEAF funds and $450,000 in Measure U2012 funding to finance the cost overrun for the Police Facility Construction Project on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2013-86 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE TRANSFER OF LEAF AND MEASURE U2012 RESOURCES TO THE GENERAL CAPITAL PROJECTS FUND TO FINANCE THE POLICE FACILITY CONSTRUCTION PROJECT.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the October 1, 2013, City Council meeting to include a public hearing regarding Community Development Block Grant (CDBG) funding reallocations for 2013-14; and Consent Agenda items regarding a Notice of Completion for the Wastewater Treatment Plant Primary Clarifier project, a memorandum of understanding with the Central Coast Collaborative on Homelessness, an Office of Traffic Safety Grant, an Amendment to a Lease Agreement with Engel & Gray, and a letter of support for the State Water project.

ORAL REPORTS BY COUNCILMEMBERS REGARDING AB1234

Councilmember Zuniga reported that she attended the 42nd Annual Law Enforcement Appreciation Dinner, volunteered with the Recreation and Parks Department for the Taste of Mexico event, and attended the Traffic Safety Awareness Memorial Walk at Preisker Park, the CDBG Community meeting, and the All-America City Committee meeting. She met with some developers regarding some upcoming projects they have planned. She also thanked Recreation and Parks staff for the recent landscaping work and clearing around the tennis courts at Atkinson Park.

Councilmember Orach reported that he attended some of the same events as Councilmember Zuniga, and also attended the Concert in the Park, the All-America City Committee meeting, the Job Fair at the Abel Maldonado Center, and the Quarterly Schools meeting.

Councilmember Green reported that he attended the Quarterly Schools meeting at the Santa Maria-Bonita School District and the 42nd Annual Law Enforcement Appreciation Dinner at the Elks Lodge, took a tour of the Diablo Nuclear Power Plant, and attended the Chamber of Commerce Transportation Committee meeting, the Swearing-In Ceremony at the Police Department, the Early Childhood Studies Open House at Hancock College, the Drug Court Graduation Ceremony, and the Job Fair Event.

Councilmember Boysen reported that he attended the C3H Coordination Committee meeting. He also announced that the Santa Maria Energy Orcutt Hills project was coming up for review by the County Planning Commission. Letters of support for this project should be turned in as soon as possible. He invited the City Council to attend the Recovery Day event on September 18 at Buena Vista Park to celebrate individuals that have conquered addiction and their families, friends, and loved ones. He also announced that he and Director of Utilities Sweet would be making a presentation to the Santa Maria Green Team to promote the benefits and importance of State Water to the City and the Santa Maria Valley.

Mayor Patino reported that she attended the North County Subregional meeting and the Mayor's Luncheon, 42nd Annual Law Enforcement Appreciation Dinner, and presented a proclamation at the Santa Barbara Business College for its 125th Anniversary. She also attended the Stand Down meeting, the Taste of Mexico event, the Chamber of Commerce Transportation Committee meeting, and the Swearing-In Ceremony at the Police Department. She presented a proclamation for Assisted Living at Santa Maria Terrace. She attended the Early Childhood Studies Open House and Public Art Dedication at Hancock College, the Norwex Ribbon Cutting Ceremony at the Chamber of Commerce, the 9/11 Fire Station Memorial at Fire Stations No. 1 and No. 3, the 2013 Business Appreciation Luncheon, the Mayor's Panel in San Luis Obispo, and the Job Fair event.

ADJOURNMENT:
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 8:18 p.m. in memory of Reverend Henry Lewis.

APPROVED

October 1, 2013
Date

Rhonda M. Garietz
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST

Rhonda M. Garietz, CMC
Chief Deputy City Clerk